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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Synopsis of material received from non-governmental organizations in consultative status with ECOSOC

Note by the Secretary-General

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INTRODUCTION

1. The present synopsis of material received from non-governmental organizations on the question of human rights of persons subjected to any form of detention or imprisonment has been prepared by the Secretary-General pursuant to resolutions 7 (XXVII) of 20 August 1974, 4 (XXVIII) of 10 September 1975 and subsequent resolutions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning its annual review of developments in this field.

2. The present synopsis is the fourteenth to have been prepared by the Secretary-General. It is similar in outline to the previous synopsis, and gives due regard to the types of problems referred to in paragraph 16 (b) of Sub-Commission resolution 1982/10. Former reports were issued in documents: E/CN.4/Sub.2/1990/22, E/CN.4/Sub.2/1989/22, E/CN.4/Sub.2/1988/15, E/CN.4/Sub.4/1987/13, E/CN.4/Sub.4/1985/13, E/CN.4/1984/13, E/CN.4/Sub.2/1983/13, E/CN.4/Sub.2/1982/14, E/CN.4/Sub.2/471, E/CN.4/Sub.2/445, E/CN.4/Sub.2/431, E/CN.4/Sub.2/408, E/CN.4/Sub.2/394 and E/CN.4/Sub.2/L.643.

3. At 15 July 1991 the following non-governmental organizations had submitted material: International Commission of Jurists, International Defence and Aid Fund for Southern Africa, the International Federation of ACAT, the International Federation of Journalists, the Friends World Committee for Consultation (Quakers), and the World Muslim Congress.

4. Amnesty International stated that although it had submitted information under this resolution in past years, it felt that the usefulness of its information was considerably reduced as a result of the fact that specific countries were not identified and that, therefore, it would no longer submit information.

5. The present report indicates the main features which appear to emerge from the replies as a whole. The material submitted by the non-governmental organizations is available for consultation at the Centre for Human Rights.

I. CONDITIONS OF DETENTION OR IMPRISONMENT

6. One organization reported recent controversial changes affecting the treatment of prisoners in one country. These changes, introduced in 1989, include the abolition of remissions, longer hours of "lock-up" in cells, overcrowding, cuts in education programmes, and the removal of special programmes for women.

7. In the same country in 1990, a new measure was introduced to remove personal possessions of prisoners. This was said to be for the purpose of making it easier for prison officers to search for syringes and to eliminate trading in goods by prisoners. However, a wide range of personal articles was withdrawn and many thought the measure was an unnecessary overreaction as well as a denial of prisoners' rights.

8. An organization in this country has expressed concern that prisoners are kept in their cells for up to 22 hours per day. In most cases, there are two or three to a cell. This is thought by medical professionals to affect adversely the prospects of reform.

9. Another organization has expressed concern about the treatment of prisoners in a second country where severe overcrowding in prisons, and inadequate clothing and bathing and lavatory facilities contribute to a system which demeans the person and erodes his autonomy.

10. A third organization describes detention/interrogation centres in another country as "nauseating", with a "repelling socio-psychological environment". Inmates are deprived even of the barest minimum necessities of life (rest, food, water). In addition, rarely is anyone allowed in to see them, despite court orders.

II. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

11. One organization reports that in one country almost everyone apprehended by "security" forces is tortured. This organization notes that torture takes place in various places, including homes, streets, and fields, not only prisons.

12. This organization reports that on 19 November 1990, troops burst into a hospital during a night curfew, demanding to know if the doctors were treating any "terrorists". The radiologist was allegedly beaten and another laboratory technician was tied from the ceiling.

13. The same organization reports that children are subjected to torture as well. Often, if they are not held on personal counts, they are used as hostages. They are allegedly treated as adults, and tortured in the same manner.

III. DEATH DURING DETENTION

14. According to one organization many people have died as a result of severe injuries sustained at interrogation and/or detention centres in one country.

15. On 20 May 1990, a man was arrested by an artillery brigade and taken to an army camp. His bruise-covered body was brought to a district hospital, where a post-mortem revealed that death had been due to a head injury.

16. Another man was taken by the brigade on 22 May 1990. His body was found in a village with several bullet wounds, marks of multiple injuries and one eye missing.

IV. DISAPPEARANCES

17. One organization states that in a particular country there are numerous cases of "disappearance", in which no trace of persons arrested is found.

18. On 10 May 1990, the army entered a village in this country and took away a 16-year-old boy. He has not returned, and his mother has no idea where he is being held.

19. On the same day in a different village, the army took three boys during military operations. Two have been released but there has been no news of the third.

20. A 21-year-old man was taken on 21 May 1990. Despite repeated requests, his family has received no information to date as to his whereabouts or reasons for his arrest.

21. Another organization states that a lawyer who was also the vice-president of a Human Rights Committee in one country was detained on 27 February 1990, allegedly by members of the security forces. The security forces have denied having detained this person and his whereabouts are unknown.

V. ARREST AND DETENTION WITHOUT GROUNDS OR ON ILL-DEFINED OR DUBIOUS GROUNDS

22. One organization relates that many habeas corpus petitions are pending before the courts in one country. Although permission has been obtained by the parties and their counsels to seek interviews with detainees, the State authorities have allegedly refused to comply.

23. This organization cites petition 101 of 1989 in which the detention of a certain prisoner was called into question. On 25 April 1990 the court ordered the prisoner's release, and a court order was accordingly served to the Superintendent of the jail where the detainee had been lodged at the time of his apprehension. However, the detainee had meanwhile (on 12 April 1990) allegedly been transferred to a different jail, thereby nullifying the court order. The court order has since been communicated to the authorities concerned, but the detainee remains in detention.

24. Another organization reports that, in one country, of approximately 1,830 people known to have been in prison as political prisoners on 2 February 1990, only 360 are known to have been released early. Since February 1990, at least another 63 people have been imprisoned in this country as a result of political trials.

VI. DETENTION OR ILL-TREATMENT OF MEMBERS OF SPECIFIC GROUPS

Jurists

25. One organization reports on the cases of 167 jurists detained between July 1989 and June 1990 in reprisal for carrying out their professional duties. For instance, in one country, an attorney was detained by the National Guard when he appeared at Guard headquarters as attorney representing detained foreign workers. He was held for ten days, interrogated, kicked and threatened. In the same country, a law student at the National University was detained by plain clothes individuals after having visited a prison. He was physically mistreated and accused of being a member of a guerrilla group and of participating in a terrorist attack. He was released on the same day of

his detention after having been photographed and fingerprinted. In another country, two lawyers and a judge were arrested with no specific charges of unlawful activity and detained for two and three weeks respectively, under provisions of the Preventive Custody Law and of the Habeas Corpus Act, which allow those suspected of subversive activity to be held indefinitely, without trial and without the possibility of judicial intervention. They were kept in solitary confinement and subjected to long periods alternately in pitch darkness or in blazing light.

Journalists

26. One organization reported on the cases of 36 journalists who have been submitted to arbitrary detention in five countries in January and February 1991. The same organization reported on the murder of 41 journalists in 18 countries in 1990. In one country, a journalist was detained by the national police force and later died of a heart attack. The police claim that when they picked him up he was drunk, and that he died in an ambulance on his way from the police station to a hospital. His colleagues claim that he was not inebriated and that he died before leaving the police station. In another country, two journalists were detained, beaten, had their equipement and notebooks confiscated and were threatened with death. Journalists in that country describe such treatments as continuous.

VII. COMMENTS AND RECOMMENDATIONS ON NATIONAL AND INTERNATIONAL MEASURES FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT

27. One organization mentioned that the activity in this field of the Council of Europe has obliged certain countries to create legislation using present-day standards, especially with reference to the time and length of imprisonment.

28. Another organization considers it particularly disturbing that so few of the cases of violent attacks on lawyers have been investigated by the competent authorities, and that so few of those guilty are brought to justice. In some countries, the failure to pursue criminals vigorously has led to situations of de facto impunity resulting in climates that encourage further killings. Therefore, this organization urges Governments to comply with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989). This document calls for an investigation of all suspected cases of summary execution, as well as the prosecution of all persons identified in the investigation as having taken part in such killings.

29. One organization encouraged full implementation of minimum standards for the treatment of prisoners, and remarked that other factors, such as the need of prisoners to belong to a community, the opportunity to contribute to it and the exercise of personal responsibility, might enrich the lives of prisoners as well as staff.